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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,054	12/30/2003	Raghu Narayan	30320/16219	8336
4743 7:	590 04/22/2005		EXAM	INER
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300			MOONEY, MICHAEL P	
SEARS TOWER		0	ART UNIT	PAPER NUMBER
CHICAGO, IL	60606		2883	·

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	·	Application No.	Applicant(s)				
Michael P. Mooney 2883		10/748,054	NARAYAN, RAGHU				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of time may be evaluate under the procession of 3 CFR 1-138(e). In an event, however, may a reply be timely filed the state of the reply in the state under the procession of 3 CFR 1-138(e). In an event, however, may a reply be timely filed the state of the process of the reply is period to reply reply and the state of the process of the process of the reply in the state of the process of the process of the reply in the state of the process of t	Office Action Summary	Examiner	Art Unit				
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1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 21-23 is/are allowed. 6) Claim(s) 21-23 is/are allowed. 6) Claim(s) 21-23 is/are allowed. 7) Claim(s) 23-6-11 and 17-20 is/are rejected. 7) Claim(s) 23-6-11 and 17-20 is/are rejected. 7) Claim(s) 23-6-11 and 17-20 is/are rejected. 7) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some coll None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Daise. Paper No(s)/Mail Daise. Specification is non-time statement(s) (PTO-1449 or PTO/SB/08) 5 Notice of Informal Patent Application (PTO-152) 6 Other:	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 						
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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 4-5, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus et al. (6092935).

Althaus et al. a package adapted to house an optoelectronic device, the package comprising: a base 2 (fig. 1 below infra.) having an upper surface, wherein the optoelectronic device 5 is mounted to the upper surface (fig. 1); a can structure 3 comprising a lower cylindrical portion 8 coaxially connected to an upper cylindrical portion 7 by an annular wall (see fig. 1 below infra.), the lower cylindrical portion 8 being connected to the base 2; and the upper cylindrical portion 7 accommodating one of an optical waveguide stub 1 or a GRIN lens.

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Although Althaus et al. does not explicitly state at col. 6 lines 5-8 that optical waveguide 1 is an optical fiber stub, it would have been obvious to do so because optical waveguide 1 of fig. 1 is inherently a stub and it is notoriously well known to use an optical fiber as the type of waveguide (versus, e.g., other type of waveguide(s), for example, a planar waveguide or a ridge type waveguide) in a situation that requires a ferrule-type device 3 to hold the waveguide 1 in very small spaces such as in figure 1 of Althaus et al.

Thus claim 1 is rejected.

Althaus et al. teaches the claim 4 elements at col. 8 lines 55-60 and col. 5 lines 60-65.

By the reasons and references given above, each and every element of claim 5 is rejected.

A photodiode is taught at col. 5 lines 25-30. Thus claim 12 is rejected.

Furthermore, each and every element of claims 13-14 are either directly taught in Althaus et al. or are rendered obvious by Althaus et al. via notoriously well known principles in the art and/or by the reasons/references given above.

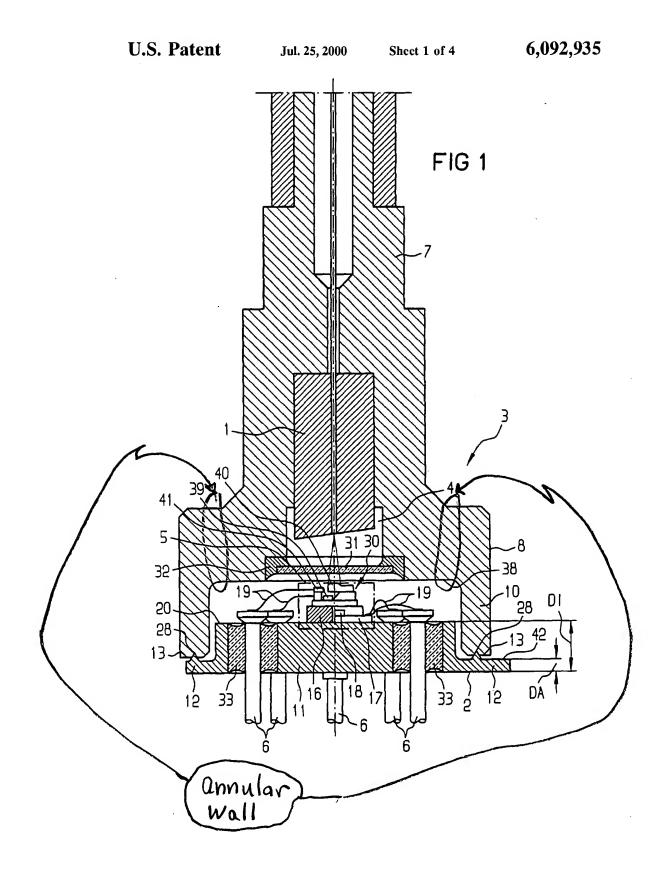
Each and every element in claim 15 is either directly taught in Althaus et al. and/or is rendered obvious by Althaus et al. via notoriously well known principles in the art with the added statement that a phrase such as "filled with a conductive material", i.e., the method of forming a device, is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight beyond any structural component. Thus claim 15 is rejected.

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Furthermore, each and every element method claim 16 is either directly taught in Althaus et al. or is rendered obvious by Althaus et al. via notoriously well known principles in the art and/or by the reasons/references given above. If Applicant disagrees with this obviousness holding, then Applicant should submit evidence showing this obviousness holding is errant. Examiner will then consider restricting.

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Allowable Subject Matter

Claims 2-3, 6-11, 17-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art, either alone or in combination, does not disclose or render obvious the unique combination of each and every specific element stated in each of the claims 2-3, 6-11, 17-23.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-

1562.

Michael P. Mooney

Examiner

Art Unit 2883

FGF/mpm 4/16/05

Frank G. Font

Supervisory Patent Examiner

Art Unit 2883